

## **EXHIBIT “A”**

PAGE 1 OF 3		<input checked="" type="checkbox"/> Fatal		New Jersey Police Crash Investigation Report										<input checked="" type="checkbox"/> Reportable <input type="checkbox"/> Non-Reportable <input type="checkbox"/> Change Report		
01	1 Case Number	21R167990										118a				
01	2 Police Dept of	NJ STATE POLICE										118b				
02	3 Station/Precinct	B130										119a				
02	4 Date of Crash	mm dd yy		5 Day Of Week		6 Time (use 2400 hrs)		7 Municipality Code		8 Total Killed		9 Total Injured		119b		
01		07/26/21		MONDAY		0528		1205		1		--		119b		
05	23 Veh #	4587595192										120a				
05	24 Policy No.	100										120b				
01	25 NJ Ins. Code	100										121a				
01	53 Veh #	029371165										121b				
01	54 Policy No.	*										122				
01	55 NJ Ins. Code	*										123				
01	26 Driver's First Name	TERRANCE R ERWIN										124				
01	27 Number & Street	426 BROOK CT; PLAINFIELD CITY-UNI										125				
01	28 City	PLAINFIELD										126a				
01	29 State	NJ										126b				
01	30 Zip	07060										126c				
01	31 State	NJ										126d				
01	32 Driver's License Number	E76957337951602										126e				
01	33 DOB	mm dd yyyy		34 Expires		mm yy		35 Owner's First Name		Initial Last Name		36 Number & Street		127a		
01		01/14/1960		03		22		TERRANCE R ERWIN		-		426 BROOK CT; PLAINFIELD CITY-UNI		127b		
01	37 City	PLAINFIELD										127c				
01	38 Make	HOND										127d				
01	39 Model	GOL										127e				
01	40 Color	WT										127f				
01	41 Year	2018										127g				
01	42 Plate No.	4HMD5										127h				
01	43 State	NJ										127i				
01	44 VIN	JH2SC7954JK000166										127j				
01	45 Expires	mm yy		46 Vehicle Removed To		mm yy		47 Authority		Initial Last Name		48 Motor Carrier or Government Entity		127k		
01		08		B & L		05		Police		-		DENNIS R BROWN		127l		
01	49 Hazardous Material	None										127m				
01	50 Carrier No.	USDOT										127n				
01	51 GVWR/GCWR	Weight <= 10,000 lbs										127o				
01	52 Motor Carrier or Government Entity	DENNIS R BROWN										127p				
01	53 Veh #	029371165										127q				
01	54 Policy No.	*										127r				
01	55 NJ Ins. Code	*										127s				
01	56 Driver's First Name	DENNIS R BROWN										127t				
01	57 Number & Street	140 ULERY ROAD										127u				
01	58 City	ACME										127v				
01	59 State	PA										127w				
01	60 Zip	15610										127x				
01	61 State	PA										127y				
01	62 Driver's License Number	13013045										127z				
01	63 DOB	mm dd yyyy		64 Expires		mm yy		65 Owner's First Name		Initial Last Name		66 Number & Street		128a		
01		12/04/1946		12		22		DENNIS R BROWN		-		140 ULERY ROAD		128b		
01	67 City	ACME										128c				
01	68 Make	WEST										128d				
01	69 Model	TT										128e				
01	70 Color	BK										128f				
01	71 Year	2001										128g				
01	72 Plate No.	AG94929										128h				
01	73 State	PA										128i				
01	74 VIN	5CKPDD3J51C100403										128j				
01	75 Expires	mm yy		76 Vehicle Removed To		mm yy		77 Authority		Initial Last Name		78 Motor Carrier or Government Entity		128k		
01		05		B & L		05		Police		-		DENNIS R BROWN		128l		
01	79 Hazardous Material	None										128m				
01	80 Carrier No.	USDOT										128n				
01	81 GVWR/GCWR	Weight <= 10,000 lbs										128o				
01	82 Motor Carrier or Government Entity	DENNIS R BROWN										128p				
01	83 City	ACME										128q				
01	84 State	PA										128r				
01	85 Zip	15610										128s				
01	86 State	PA										128t				
01	87 Driver's License Number	13013045										128u				
01	88 DOB	mm dd yyyy		89 Expires		mm yy		90 Owner's First Name		Initial Last Name		91 Number & Street		128v		
01		12/04/1946		12		22		DENNIS R BROWN		-		140 ULERY ROAD		128w		
01	92 City	ACME										128x				
01	93 Make	WEST										128y				
01	94 Model	TT										128z				
01	95 Color	BK										129a				
01	96 Year	2001										129b				
01	97 Plate No.	AG94929										129c				
01	98 State	PA										129d				
01	99 VIN	5CKPDD3J51C100403										129e				
01	100 Expires	mm yy		101 Vehicle Removed To		mm yy		102 Authority		Initial Last Name		103 Motor Carrier or Government Entity		129f		
01		05		B & L		05		Police		-		DENNIS R BROWN		129g		
01	104 Hazardous Material	None										129h				
01	105 Carrier No.	USDOT										129i				
01	106 GVWR/GCWR	Weight <= 10,000 lbs										129j				
01	107 Motor Carrier or Government Entity	DENNIS R BROWN										129k				
01	108 City	ACME										129l				
01	109 State	PA										129m				
01	110 Zip	15610										129n				
01	111 State	PA										129o				
01	112 Driver's License Number	13013045										129p				
01	113 DOB	mm dd yyyy		114 Expires		mm yy		115 Owner's First Name		Initial Last Name		116 Number & Street		129q		
01		12/04/1946		12		22		DENNIS R BROWN		-		140 ULERY ROAD		129r		
01	117 City	ACME										129s				
01	118 Make	WEST										129t				
01	119 Model	TT										129u				
01	120 Color	BK										129v				
01	121 Year	2001										129w				
01	122 Plate No.	AG94929										129x				
01	123 State	PA										129y				
01	124 VIN	5CKPDD3J51C100403										129z				
01	125 Expires	mm yy		126 Vehicle Removed To		mm yy		127 Authority		Initial Last Name		128 Motor Carrier or Government Entity		130a		
01		05		B & L		05		Police		-		DENNIS R BROWN		130b		
01	129 Hazardous Material	None										130c				
01	130 Carrier No.	USDOT										130d				
01	131 GVWR/GCWR	Weight <= 10,000 lbs										130e				
01	132 Motor Carrier or Government Entity	DENNIS R BROWN										130f				
01	133 City	ACME										130g				
01	134 State	PA										130h				
01	135 Zip	15610										130i				
01	136 State	PA										130j				
01	137 Driver's License Number	13013045										130k				
01	138 DOB	mm dd yyyy		139 Expires		mm yy		140 Owner's First Name		Initial Last Name		141 Number & Street		130l		
01		12/04/1946		12		22		DENNIS R BROWN		-		140 ULERY ROAD		130m		
01	142 City	ACME										130n				
01	143 Make	WEST										130o				
01	144 Model	TT										130p				
01	145 Color	BK										130q				
01	146 Year	2001										130r				
01	147 Plate No.	AG94929										130s				
01	148 State	PA										130t				
01	149 VIN	5CKPDD3J51C100403										130u				
01	150 Expires	mm yy		151 Vehicle Removed To		mm yy		152 Authority		Initial Last Name		153 Motor Carrier or Government Entity		130v		
01		05		B & L		05		Police		-		DENNIS R BROWN		130w		
01	154 Hazardous Material	None										130x				
01	155 Carrier No.	USDOT										130y				
01	156 GVWR/GCWR	Weight <= 10,000 lbs										130z				
01	157 Motor Carrier or Government Entity	DENNIS R BROWN										131a				
01	158 City	ACME										131b				
01	159 State	PA										131c				
01	160 Zip	15610										131d				
01	161 State	PA										131e				
01	162 Driver's License Number	13013045										131f				
01	163 DOB	mm dd yyyy		164 Expires		mm yy		165 Owner's First Name		Initial Last Name		166 Number & Street		131g		
01		12/04/1946		12		22		DENNIS R BROWN		-		140 ULERY ROAD		131h		
01	167 City	ACME										131i				
01	168 Make	WEST										131j				
01	169 Model	TT										131k				
01	170 Color	BK										131l				
01	171 Year	2001										131m				
01	172 Plate No.	AG94929										131n				
01	173 State	PA										131o				
01	174 VIN	5CKPDD3J51C100403										131p				
01	175 Expires	mm yy		176 Vehicle Removed To		mm yy		177 Authority		Initial Last Name		178 Motor Carrier or Government Entity		131q		
01		05		B & L		05		Police		-		DENNIS R BROWN		131r		
01	179 Hazardous Material	None										131s				
01	180 Carrier No.	USDOT										131t				
01	181 GVWR/GCWR	Weight <= 10,000 lbs										131u				
01	182 Motor Carrier or Government Entity	DENNIS R BROWN										131v				
01	183 City	ACME										131w				
01	184 State	PA										131x				
01	185 Zip	15610										131y				
01	186 State	PA										131z				
01	187 Driver's License Number	13013045										132a				
01	188 DOB	mm dd yyyy		189 Expires		mm yy		190 Owner's First Name		Initial Last Name		191 Number & Street		132b		
01		12/04/1946		12		22		DENNIS R BROWN		-		140 ULERY ROAD		132c		
01	192 City	ACME										132d				
01	193 Make	WEST										132e				
01	194 Model	TT										132f				
01	195 Color	BK										132g				
01	196 Year	2001										132h				
01	197 Plate No.	AG94929										132i				
01	198 State	PA										132j				
01	199 VIN	5CKPDD3J51C100403										132k				
01	200 Expires	mm yy		201 Vehicle Removed To		mm yy		202 Authority		Initial Last Name		203 Motor Carrier or Government Entity		132l		
01		05		B & L		05		Police		-		DENNIS R BROWN		132m		
01	204 Hazardous Material	None										132n				
01	205 Carrier No.	USDOT										132o				
01	206 GVWR/GCWR	Weight <= 10,000 lbs										132p				
01	207 Motor Carrier or Government Entity	DENNIS R BROWN										132q				
01	208 City	ACME										132r				
01	209 State	PA										132s				
01	210 Zip	15610										132t				
01	211 State	PA										132u				
01	212 Driver's License Number	13013045										132v				
01	213 DOB	mm dd yyyy		214 Expires		mm yy		215 Owner's First Name		Initial Last Name		216 Number & Street		132w		
01		12/04/1946		12		22		DENNIS R BROWN		-		140 ULERY ROAD		132x		
01	217 City	ACME										132y				
01	218 Make	WEST										132z				
01	219 Model	TT										133a				
01	220 Color	BK										133b				
01	221 Year	2001										133c				
01	222 Plate No.	AG94929										133d				
01	223 State	PA										133e				
01	224 VIN	5CKPDD3J51C100403										133f				
01	225 Expires	mm yy		226 Vehicle Removed To		mm yy		227 Authority		Initial Last Name		228 Motor Carrier or Government Entity		133g		
01		05		B & L		05		Police		-		DENNIS R BROWN		133h		
01	229 Hazardous Material	None										133i				
01	230 Carrier No.	USDOT										133j				
01	231 GVWR/GCWR	Weight <= 10,000 lbs										133k				
01	232 Motor Carrier or Government Entity	DENNIS R BROWN										133l				
01	233 City	ACME										133m				
01	234 State	PA										133n				
01	235 Zip	15610										133o				
01	236 State	PA										133p				
01	237 Driver's License Number	13013045										133q				
01	238 DOB	mm dd yyyy		239 Expires		mm yy		240 Owner's First Name		Initial Last Name		241 Number & Street		133r		
01		12/04/1946		12		22		DENNIS R BROWN		-		140 ULERY ROAD		133s		
01	242 City	ACME										133t				
01	243 Make	WEST										133u				
01	244 Model	TT										133v				
01	245 Color	BK										133w				
01	246 Year	2001										133x				
01	247 Plate No.	AG94929										133y				
01	248 State	PA										133z				
01	249 VIN	5CKPDD3J51C100403										134a				
01																

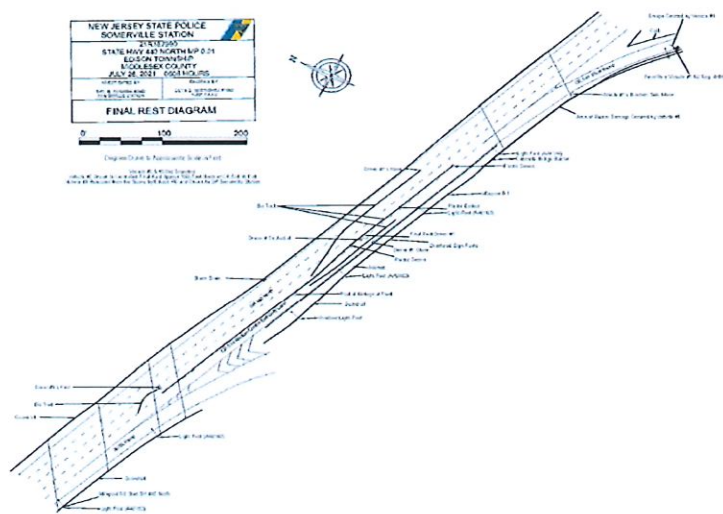
PAGE 2 OF 3		New Jersey Police Crash Investigation Report		<input checked="" type="checkbox"/> Reportable <input type="checkbox"/> Non-Reportable <input type="checkbox"/> Change Report	
01	1 Case Number	21R167990		10 Crash Occurred On:	STATE HIGHWAY
01	2 Police Dept of	NJ STATE POLICE		11 Speed Limit	55
02	3 Station/Precinct	B130		12 Route No.	0440
02	4 Date of Crash	07/26/21	5 Day of Week	MONDAY	6 Time (use 2400 hrs)
01	7 Municipality Code	1205	8 Total Killed	1	9 Total Injured
01	10 Crash Occurred On:	STATE HIGHWAY		11 Speed Limit	55
01	12 Route No.	0440		13 Milepost	000.01
01	14	15		16	17 Cross Road Name
01	18	19		20	21 Latitude
01	22	23		24	25 NJ Ins. Code
01	26 Driver's First Name	RAFAEL A AYALA		27 Number & Street	106 PLEASANT VIEW DRIVE
01	28 City	PISCATAWAY		29 State	NJ
01	30 Eyes	02		31 State	NJ
01	32 Driver's License Number	A96236386107632		33 DOB	07/17/1963
01	34 Expires	07		35	22
01	36 Number & Street	106 PLEASANT VIEW DRIVE		37 City	PISCATAWAY
01	38 Make	LINC		39 Model	MKC
01	40 Color	MN		41 Year	2017
01	42 Plate No.	RUP57U		43 State	NJ
01	44 VIN	5LMCJ2D92HUL15930		45 Expires	11
01	46 Vehicle Removed To			47 Authority	Driver
01	48 Alcohol/Drug Test	Given: No		49 Hazardous Material	None
01	50 Carrier No.	USDOT		51 GVWR/GCWR	Weight <= 10,000 lbs
01	52 Motor Carrier or Government Entity			53	Weight >= 26,001 lbs
01	54			55	
01	56			57	
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01	60			61	
01	62			63	
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PAGE 3 OF 3New Jersey Police  
Crash Investigation ReportPolice Dept: NJ STATE POLICE Code: 02  
Station: B130 Case No: 21R167990

(Refer to vehicle by number)

	Veh Occ	Pos In/On	Eject	Phys Cond	Age	Sex	Loc Inj	Type Inj	Ref Med	Equip Avail	Equip Used	Bag Dept	Hosp Code	Names & Addresses of Occupants - If Deceased, Date & Time of Death
ALL INVOLVED	83	84	85	86	87	88	89	90	91	92	93	94	95	

144 Crash Diagram (NOT TO SCALE)



145 Crash Description/Narrative

On July 26th 2021, a three car motor vehicle crash occurred on the State Highway 440 in the area of milepost 0.01 Edison Township, Middlesex county. As a result, of the motor vehicle accident Driver #1 Terrance Irwin suffered fatal injuries.

Vehicle #1 was operated by Terrance Irwin who sustained fatal injuries as a result of this crash. Driver Irwin was the sole occupant of the vehicle. Vehicle #2 was driven by Dennis R. Brown whom was the sole occupant of the vehicle and was the sole occupant of the vehicle and was un injured in this crash. Vehicle #3 was driven by Rafael A. Ayala who was un injured in this crash. Vehicle #3 was also occupied by Lorena M. De Ayala who was un injured in this crash.

This crash is pending further investigation.

V2\* Out of State Insurance 11770 GEICO

146 Officer's Signature  
**ROBAINA, G**147 Badge #  
**8660**148 Reviewer  
**RODRIGUEZ, D**Badge #  
**7682**149 Case Status  
☒ Pending ☐ Complete

## **EXHIBIT “B”**

SCOTT G. LEONARD, ESQ- 044181996

**LEONARD LEGAL GROUP, LLC**

165 Washington Street

Morristown, New Jersey 07960

Tel. (973) 984-1414

Attorneys for Plaintiff(s)

<p>NATHAN ERWIN, Individually, and NATHAN ERWIN, as ADMINISTRATOR AND ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF TERRANCE ERWIN, deceased,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>DENNIS BROWN, ABC COMPANY 1-10 (said name being fictitious and unknown), JOHN DOES 1-10 (said names being fictitious and unknown),</p> <p>Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY DOCKET NO.:</p> <p>CIVIL ACTION</p> <p><b>COMPLAINT AND JURY DEMAND DEMAND FOR CERTIFIED ANSWERS TO UNIFORM INTERROGATORIES AND OTHER RELATED DOCUMENTS WITHIN SIXTY (60) DAYS OF SERVICE OF THE WITHIN COMPLAINT, DEMAND FOR INSURANCE POLICIS, PURSUANT TO RULE 4:10-2(b), DESIGNATIOIN OF COUNSEL, CERTIFICATION</b></p>
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Plaintiff, NATHAN ERWIN, Individually, and NATHAN ERWIN, as ADMINISTRATOR AND ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF TERRANCE ERWIN, deceased, complaining of the above-named defendants, say as follows:

**FIRST COUNT**

1. On or about July 26, 2021, the decedent, Terrance Erwin, was the operator of a motorcycle when she was involved in a crash with a tractor trailer truck on State Highway 440 in the area of milepost 0.01 in Edison Township, and State of New Jersey.

2. At the time and place aforesaid, the defendants, DENNIS BROWN, and/or JOHN DOES 1-10 (said name being fictitious and unknown) and/or ABC COMPANY 1-10 (said name being fictitious and unknown), were the owner(s) of a truck and/or tractor and/or trailer which was

being operated by defendant, DENNIS BROWN, as agent, servant and employee, and with the consent and permission of defendants JOHN DOES 1-10 (said name being fictitious and unknown) and/or ABC COMPANY 1-10 (said name being fictitious and unknown) near plaintiff's motorcycle on State Highway 440 in the Township of Edison and State of New Jersey.

3. At all times mentioned herein the defendants, DENNIS BROWN and/or JOHN DOES 1-10 (said name being fictitious and unknown) and/or ABC COMPANY 1-10 (said name being fictitious and unknown), were engaged in interstate transportation and/or interstate commerce and derived business activities within the state of New Jersey.

4. At all times mentioned herein the defendants, DENNIS BROWN and/or JOHN DOES 1-10 (said name being fictitious and unknown) and/or ABC COMPANY 1-10 (said name being fictitious and unknown) were assigned a US DOT number and/or a US MC (Motor Carrier) number.

5. At present, the identities of defendants, JOHN DOES 1-10 and/or ABC COMPANY 1-10, are unknown. As such, "JOHN DOES 1-10" and "ABC COMPANY 1-10" are a fictitious designation, representing one or more individuals, sole proprietorships, associations, limited partnerships, general partnerships, limited liability companies and/or corporations, which in any way owned, operated, possessed, controlled, entrusted, insured, hired, inspected, and/or maintained the tractor trailer which caused or contributed to the accident at issue herein, or who were otherwise responsible, in whole or in part, for the said accident and the death of TERRANCE ERWIN.

6. At the time and place aforesaid, the defendant DENNIS BROWN, and/or JOHN DOES 1-10 (said name being fictitious and unknown) and/or ABC COMPANY 1-10 (said name

being fictitious and unknown), negligently owned, operated, maintained, insured, entrusted and/or hired for, their vehicles, so as to cause a collision, proximately causing the decedent, TERRANCE ERWIN, to sustain severe traumatic injuries and conscious pain and suffering which led to her eventual death. Such negligent activities include but are not limited to the following:

- (a) Failing to comply with New Jersey laws requiring driver's education and licensing;
- (b) Failing to ensure that he had adequate line of sight of vehicles and obstructions in his path;
- (c) Failing to keep a proper lookout for warnings, for vehicles and obstructions;
- (d) Failing to ensure that he had adequate stopping distance to avoid hitting vehicles in front or next to him;
- (e) Failing to maintain his lane and failing to make proper observations;
- (f) Failing to ensure that he had adequate maneuvering room to change lanes so as to avoid hitting vehicles in his path of travel;
- (g) Driving at an excessive rate of speed;
- (h) Operating his vehicle without adequate training and experience;
- (i) Failing to make proper observations, pay attention to the road ahead and surrounding area and in otherwise being distracted;
- (j) Failing to be diligent at all times;
- (k) Failing to take proper evasive action to avoid the collision with the plaintiff's decedent;
- (l) Following too closely behind the vehicles in front of his;



(m) Operating his vehicle in violation of hours of service rules pursuant to 49 CFR 395, et seq.;

(n) Failing to record his duty status in duplicate, for a 24 hour period prior to the accident;

(o) Failing to ensure, pursuant to 49 CFR 392.7, prior to operating his vehicle that the vehicle was in safe operating condition;

(p) Operating a vehicle in violation of 49 CFR 392.3 when his ability or alertness is impaired likely to become so due to fatigue, illness or other causes;

(q) Operating a vehicle in violation of 49 CFR 391.21 for failing to disclose to his employer all prior motor vehicle accidents for a period of three (3) years prior to the accident date;

(r) Failing to be diligent at all times;

(s) Failing to exercise due care for the circumstances;

(t) Failing to use extreme caution in hazardous conditions;

(u) Failing to take proper action once the impact occurred with plaintiff's decedent;

(v) Failing to properly change lanes;

(w) Failing to pay attention to the road ahead and surrounding areas;

(x) In being otherwise careless, reckless and negligent.

7. The accident in question and the injuries sustained by the decedent, TERRANCE ERWIN, related thereto, resulting in his death, did occur without any negligence on the part of the decedent, TERRANCE ERWIN, which would bar recovery against the defendants in the within cause of action.

8. By reason of the aforesaid, the decedent, TERRANCE ERWIN, was severely and permanently injured, and ultimately died as a result of the accident and her estate was obliged to incur medical and funeral expenses related to her injuries, was incapacitated from working, and suffered great pain and anguish and conscious pain and suffering until the time of her death on July 26, 2021.

9. The decedent, TERRANCE ERWIN, died intestate on July 26, 2021.

10. The plaintiff, NATHAN ERWIN, the husband of the decedent was appointed by the Surrogate of Union County as Administrator and Administrator Ad Prosequendum of the Estate of the decedent, TERRANCE ERWIN on or about September 23, 2021. Copies of the Testamentary Certificates of the Estate are annexed hereto at Exhibit "A".

11. The decedent's, TERRANCE ERWIN, Estate representative NATHAN ERWIN is entitled to bring the within cause of action in accordance with the terms and provisions of N.J.S.A. 39:6A-8 (if applicable hereto)

WHEREFORE, the plaintiff, NATHAN ERWIN, INDIVIDUALLY, and as ADMINISTRATOR AND ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF TERRANCE ERWIN, deceased, hereby demands judgment against the defendants, DENNIS BROWN, ABC COMPANY 1-10, (said names being fictitious and unknown), and JOHN DOES 1-10 (said names being fictitious and unknown) jointly, severally or alternatively, individually, for damages, together with interest and cost of suit.

**COUNT TWO**  
**WRONGFUL DEATH (N.J.S.A. 2A:31-1 et seq.)**

1. The plaintiff, NATHAN ERWIN, INDIVIDUALLY, and as ADMINSTRATOR AND ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF TERRANCE

ERWIN, deceased, repeats and realleges all of the allegations of the First Count and makes the same a part hercof as though set forth at length herein.

2. There was at the time of the incident referred to herein in full force and effect in the State of New Jersey a Wrongful Death Statute, known and designated as N.J.S.A. 2A:31-1-6, and the plaintiff, NATHAN ERWIN, ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF TERRANCE ERWIN, deceased brings the within action under the provisions thereof for the benefit of the next-of-kin and/or beneficiaries of said decedent.

3. This action is commenced within two (2) years of the date of death of the decedent.

4. As a direct and proximate result of the reckless, careless and negligent conduct of the defendants, DENNIS BROWN, ABC COMPANY 1-10, (said names being fictitious and unknown), and JOHN DOES 1-10 (said names being fictitious and unknown) jointly, severally or alternatively, individually, the decedent, TERRANCE ERWIN was caused to sustain severe, and disabling permanent injuries resulting in her death on July 26, 2021, to the pecuniary disadvantage of her next-of-kin and/or beneficiaries.

5. The decedent, TERRANCE ERWIN, left the following next-of-kin surviving her at the time of her death; her husband, NATHAN ERWIN; and her 3 children, SHANELLE DELFOSSE, DARCEL KNIGHT and MILTON MARCINI, and the decedent's survivors and next-of-kin have suffered pecuniary losses, and have been, and will in the future be deprived of the usual services, society, earnings, guidance, counseling, support and companionship of the decedent, TERRANCE ERWIN.

6. The plaintiff, NATHAN ERWIN, ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF TERRANCE ERWIN, deceased, makes a claim for the wrongful death of the decedent, TERRANCE ERWIN.

7. The Estate of TERRANCE ERWIN, deceased, was obliged to incur medical and funeral expenses related to the injury and death of the decedent, TERRANCE ERWIN.

WHEREFORE, the plaintiff, NATHAN ERWIN, INDIVIDUALLY, and NATHAN ERWIN, ADMINISTRATOR AND ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF TERRANCE ERWIN, deceased, and the heirs and beneficiaries of the Estate of TERRANCE ERWIN hereby demand judgment against the defendants, DENNIS BROWN, ABC COMPANY 1-10, (said names being fictitious and unknown), and JOHN DOES 1-10 (said names being fictitious and unknown) jointly, severally or alternatively, individually, for damages, together with interest and cost of suit.

**COUNT THREE**  
**SURVIVAL ACT (N.J.S.A. 2A:15-3)**

1. Plaintiff, NATHAN ERWIN, Individually and NATHAN ERWIN, as ADMINSITRATOR AND ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF TERRANCE ERWIN, deceased, repeats and realleges all of the allegations of the preceding paragraphs as if fully set forth herein at length.

2. Plaintiff NATHAN ERWIN, on behalf of Estate of TERRANCE ERWIN, deceased, seek damages compensable under the Survival Act, N.J.S.A. 2A:15-3 (or any successor statute) against the defendants DENNIS BROWN, ABC COMPANY 1-10, (said names being fictitious and unknown), and JOHN DOES 1-10 (said names being fictitious and unknown). Plaintiff NATHAN ERWIN, in his own right, seek damages compensable under the Survival Act, N.J.S.A. 2A:15-3 (or any successor statute) against the defendants DENNIS BROWN, ABC

COMPANY 1-10, (said names being fictitious and unknown), and JOHN DOES 1-10 (said names being fictitious and unknown).

3. As a direct and proximate result of the negligence of defendants DENNIS BROWN, ABC COMPANY 1-10, (said names being fictitious and unknown), and JOHN DOES 1-10 (said names being fictitious and unknown) described herein, TERRANCE ERWIN, deceased, experienced severe injuries which caused her extreme conscious pain and suffering which ultimately led to her death.

4. As a direct and proximate result of the negligence of defendant DENNIS BROWN, ABC COMPANY 1-10, (said names being fictitious and unknown), and JOHN DOES 1-10 (said names being fictitious and unknown), funeral services were held for decedent and substantial and reasonable expenses were incurred in connection therewith.

**WHEREFORE**, the plaintiff, NATHAN ERWIN Individually, and NATHAN ERWIN as ADMINISTRATOR AND ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF TERRANCE ERWIN, deceased, demands judgment against DENNIS BROWN, ABC COMPANY 1-10, (said names being fictitious and unknown), and JOHN DOES 1-10 (said names being fictitious and unknown), jointly, severally or alternatively, individually, for damages, together with interest and costs of suit, and all other relief as the Court deems equitable and just under the circumstances.

**JURY DEMAND:**

Plaintiff(s) hereby demand(s) a Trial by jury on all issues set forth herein.


**DESIGNATION OF TRIAL COUNSEL**

Please take notice that Scott G. Leonard, Esq. of the Law Firm of Leonard Legal Group, LLC., is hereby designated trial counsel on the within matter.

**CERTIFICATION OF OTHER ACTIONS/PARTIES**

Pursuant to the provisions of Rule 4:5-1, the undersigned attorney certifies that this matter is not the subject of any other action pending in any court or arbitration proceeding, nor is any other action or arbitration proceeding contemplated, and all known necessary parties have been joined in this action.

LEONARD LEGAL GROUP, LLC  
Attorneys for Plaintiffs

By:   
SCOTT G. LEONARD, ESQ

Dated: February 28, 2022

**DEMAND FOR CERTIFIED ANSWERS TO UNIFORM INTERROGATORIES AND OTHER RELATED DOCUMENTS WITHIN SIXTY (60) DAYS OF SERVICE OF THE WITHIN COMPLAINT IN LIEU OF SERVICE OF SAME PURSUANT TO RULE 4:17-1,2 and 4 et seq. and DEMAND FOR INSURANCE POLICES PURSUANT TO RULE 4:10-2(b)**

Pursuant to Rule 4:17-1, 2 and 4 et seq., the plaintiff hereby demands that the defendants upon whom this pleading is served, furnish fully responsive and certified answers to Uniform Interrogatories, Rules of Court, Appendix II, Form C and C1, together with the attachments required therein, within sixty (60) days of the service of the within Complaint, together with copies of the applicable insurance policies available to the defendants named herein pursuant to Rule 4:10-2(b).

**DEMAND FOR DISCOVERY OF INSURANCE COVERAGE**

Pursuant to R. 4:10-2(b), demand is made that Defendant(s) disclose to plaintiff's attorney whether or not there are any insurance agreements or policies under which any person, company entity or firm may be liable to satisfy part or all of a judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide plaintiff's attorney with true copies of those insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary coverage, but also any and all excess, catastrophe and umbrella policies.

LEONARD LEGAL GROUP, LLC  
Attorneys for Plaintiff(s)

By: 

SCOTT G. LEONARD, ESQ

Dated: February 28, 2022



## Civil Case Information Statement

### Case Details: MIDDLESEX | Civil Part Docket# L-001044-22

Case Caption: ERWIN NATHAN VS BROWN DENNIS

Case Initiation Date: 03/01/2022

Attorney Name: SCOTT GARY LEONARD

Firm Name: LEONARD LEGAL GROUP LLC

Address: 165 WASHINGTON STREET  
MORRISTOWN NJ 07960

Phone: 9739841414

Name of Party: PLAINTIFF : Erwin, Nathan

Name of Defendant's Primary Insurance Company  
(if known): PROGRESSIVE CASUALTYINS CO

Case Type: AUTO NEGLIGENCE-PERSONAL INJURY (NON-  
VERBAL THRESHOLD)

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same  
transaction or occurrence)? NO

Are sexual abuse claims alleged by: Nathan Erwin? NO

Are sexual abuse claims alleged by: Nathan Erwin? NO

### THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual  
management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the  
court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

03/01/2022  
Dated

/s/ SCOTT GARY LEONARD  
Signed



## **EXHIBIT “C”**

**Marc Jones**

---

**From:** Kristi Brown <kristib661@gmail.com>  
**Sent:** Wednesday, March 23, 2022 4:32 PM  
**To:** Marc Jones  
**Subject:** Dennis Brown  
**Attachments:** Image (72).jpg; Image (73).jpg; Image (74).jpg; Image (75).jpg; Image (76).jpg; Image (77).jpg; Image (78).jpg; Image (79).jpg; Image (80).jpg; Image (81).jpg; Image (82).jpg; Image (83).jpg; Image (84).jpg; Image (85).jpg; Image (86).jpg

Attached are Civil Action papers.

**EXHIBIT “D”**

LEONARD LEGAL GROUP  
Scott G. Leonard, Esq.- 044181996  
165 Washington Street  
Morristown, NJ 07960  
Tel: (973) 984-1414  
Fax: (973) 984-2599  
Attorneys for Plaintiffs

<b>NATHAN ERWIN, Individually, and NATHAN ERWIN, as ADMINISTRATOR AND ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF TERRANCE ERWIN, deceased,  Plaintiff,  Vs.  DENNIS BROWN, ABC COMPANY, 1-10 (said name being fictitious and unknown), JOHN DOES 1-10 (said names being fictitious and unknown),  Defendants.</b>	<b>SUPERIOR COURT OF NEW JERSEY LAW DIVISION – MIDDLESEX COUNTY DOCKET NO.: MID-L-1044-22  <i>CIVIL ACTION</i>  <b>STATEMENT OF DAMAGES</b></b>
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**TO:** CIPRIANI & WERNER PC  
Attention: Marc R. Jones, Esq.  
155 Gaither Drive, Suite B  
Mount Laurel, NJ 08054  
Attorneys for defendants, Dennis Brown

COUNSEL:

**PLEASE TAKE NOTICE** that Plaintiff demands damages in the sum of TEN MILLION  
DOLLARS (\$10,000,000.00).

**LEONARD LEGAL GROUP**  
Attorneys for plaintiffs

By: Scott Leonard, Esq.  
SCOTT G. LEONARD, ESQ.

DATED: March 29, 2022

**EXHIBIT “E”**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
(Newark Vicinage)**

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NATHAN ERWIN, individually, and NATHAN ERWIN as Administrator *ad Prosequendum* of the ESTATE OF TERRANCE ERWIN,

Plaintiff(s),

v.

DENNIS BROWN; ABC COMPANY (1-10);  
JOHN DOE(S) (1-10) (fictitious names),

Defendant(s).

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Civil Action No.:

**ANSWER AND DEFENSES OF DEFENDANT, DENNIS BROWN, TO  
PLAINTIFF(S)' COMPLAINT**

Defendant, Dennis Brown (hereinafter referred to as "Defendant" or "Mr. Brown"), by way of Answer to the Plaintiff(s)' Complaint, hereby states:

**FIRST COUNT**

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

2. Admitted.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof

is demanded at the time of trial.

6. Denied.

- a. Denied;
- b. Denied;
- c. Denied;
- d. Denied;
- e. Denied;
- f. Denied;
- g. Denied;
- h. Denied;
- i. Denied;
- j. Denied;
- k. Denied;
- l. Denied;
- m. Denied;
- n. Denied;
- o. Denied;
- p. Denied;
- q. Denied;
- r. Denied;
- s. Denied;
- t. Denied;
- u. Denied;
- v. Denied;
- w. Denied; and
- x. Denied.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

**WHEREFORE**, Defendant, Dennis Brown, hereby demands judgment against the Plaintiff(s) dismissing Plaintiff(s)' Complaint with prejudice and respectfully requests that the Court enter a judgment in its favor and against the Plaintiff(s) for attorneys' fees and costs and any other relief that this Court deems just and appropriate.

**COUNT TWO**  
**Wrongful Death (N.J.S.A. 2A:31-1, *et seq.*)**

1. Defendant hereby incorporates his answers to the proceeding paragraphs of the Complaint as if set forth at length herein.

2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.



3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

4. Denied.

5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

**WHEREFORE**, Defendant, Dennis Brown, hereby demands judgment against the Plaintiff(s) dismissing Plaintiff(s)' Complaint with prejudice and respectfully requests that the Court enter a judgment in its favor and against the Plaintiff(s) for attorneys' fees and costs and any other relief that this Court deems just and appropriate.

**COUNT THREE**  
**Survival Act (N.J.S.A. 2A:15-3)**

1. Defendant hereby incorporates his answers to the proceeding paragraphs of the Complaint as if set forth at length herein.

2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

3. Denied.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth

of the averments contained in this paragraph, and the same are accordingly denied and strict proof thereof is demanded at the time of trial.

5. Denied.

**WHEREFORE**, Defendant, Dennis Brown, hereby demands judgment against the Plaintiff(s) dismissing Plaintiff(s)' Complaint with prejudice and respectfully requests that the Court enter a judgment in its favor and against the Plaintiff(s) for attorneys' fees and costs and any other relief that this Court deems just and appropriate.

**SEPARATE DEFENSES**

1. The Complaint fails to state a claim upon which relief may be granted, and Defendant reserves the right to move to dismiss.
2. The Complaint is barred by the applicable statute of limitations and/or statute of repose governing such claims.
3. The incidents complained of were caused by third parties over whom Defendant had no control.
4. If Plaintiff(s) sustained injuries or damages, those injuries or damages were proximately caused by the superseding intervening actions of others.
5. Defendant breached no duty to any party herein.
6. Plaintiff(s)' claims are barred by the doctrine of laches.
7. Plaintiff(s)' claims are barred by the doctrine of waiver.
8. Plaintiff(s)' claims are barred by the doctrine of unclean hands.
9. Plaintiff(s)' claims are barred by the doctrine of estoppel.
10. Plaintiff(s)' claims are barred by the doctrine of joint enterprise.
11. Plaintiff(s)' claims are barred, in whole or in part, by the entire controversy doctrine.
12. Without admitting any liability herein, and without admitting that Plaintiff(s) have suffered any damages at all, Plaintiff(s) failed to take reasonable steps to mitigate damages, if any.

13. Defendant complied with all applicable and existing state and federal statutes and regulations and industry standards.

14. Plaintiff(s)' claims are barred or diminished and reduced by the doctrine of comparative negligence under the New Jersey Comparative Negligence Act, N.J.S.A. 2A:15-5.1 *et seq.*

15. Plaintiff(s)' claims are barred or diminished and reduced by the Collateral Source Rule, as set forth in N.J.S.A. 2A:15-97.

16. Plaintiff(s)' claims are barred, in whole or in part, because Plaintiff(s) lack the requisite standing to proceed with this litigation.

17. This action is barred, in whole or in part, by Plaintiff(s)' failure to join a party without whom the action cannot proceed.

18. Plaintiff(s)' claims are barred, in whole or in part, by Plaintiff(s)' failure to comply with any and all provisions of New Jersey's Motor Vehicle Codes.

19. Defendant denies any claim for strict liability, if any.

20. Defendant denies any claim for compensatory damages.

21. Defendant denies any claim for punitive damages.

22. Plaintiff(s)' claims are barred, in whole or in part, by accord and satisfaction.

23. Defendant reserves the right to rely upon any and all defenses as afforded by New Jersey's Wrongful Death Statute, N.J.S.A. 2A:31-4, *et seq.* and/or New Jersey's Survival Act, N.J.S.A. 2A:31-1, *et seq.*

24. Service of process was insufficient and/or improper and Plaintiff(s)' claims should be dismissed accordingly.

25. Plaintiff(s)' claims are barred, in whole or in part, by F.R.C.P. 11 (b), and, as present, is frivolous, improper, intended to harass, is unwarranted, baseless and is lacking in evidentiary support, and, as a result, Defendants are entitled to sanctions.

**REQUEST FOR STATEMENT OF DAMAGES**

1. You are hereby requested and required to furnish to the undersigned within five (5) days, a written statement of the amount of damages claimed.

**DESIGNATION OF TRIAL COUNSEL**

**PLEASE TAKE NOTICE** that Marc R. Jones, Esquire, is hereby designated as trial counsel in the above matter.

**DEMAND FOR JURY TRIAL**

Defendant hereby demands a trial by jury as to all issues.

**CERTIFICATION**

The matter in controversy is not the subject to any other known action pending in any Court, or of a known or contemplated arbitration proceeding. There are no other parties known who should be joined in this action at this time.

**CIPRIANI & WERNER, P.C.**



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MARC R. JONES, ESQUIRE (NJ#016022001)  
Attorneys for Defendant – Dennis Brown  
155 Gaither Drive – Suite B  
Mount Laurel, NJ 08054  
856-761-3800  
[mjones@c-wlaw.com](mailto:mjones@c-wlaw.com)

DATED: March 31, 2022